

ENROLLED ORIGINAL

A RESOLUTION

15-691

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to eliminate term limitations for Eastern Market Community Advisory Committee members that are subject to them and to change the composition of the Eastern Market Community Advisory Committee by eliminating the Eastern Market Tenants Council member, by giving a full vote both to the food market inside vendor and the representative from the farmers' line, by keeping the member from the Advisory Neighborhood Commission in which Eastern Market is sited and eliminating the other Advisory Neighborhood Commission member, by giving the Mayor's representative a vote, by requiring the Ward 6 Councilmember's representative to be a resident in the ward and giving the Ward 6 Councilmember's representative a vote, and to require the Eastern Market Community Advisory Committee to conform its bylaws to these amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eastern Market Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Eastern Market Temporary Amendment Act of 2003, effective December 9, 2003 (D.C. Law 15-60; 50 DCR 9214), expired on July 21, 2004. On September 21, 2004, the Council approved the first Congressional review emergency, made retroactive from July 21, 2004 in order to avoid a lapse in legal authority. The first Congressional review emergency will expire on October 19, 2004. The Council had final reading on the related permanent legislation, Bill 15-316 (D.C. Act 15-469), on June 29, 2004. It is pending Congressional review with a projected law date of February 28, 2005. Consequently, a gap exists since the first Congressional review emergency will expire before the permanent legislation becomes effective.

(b) The rationale for passing this emergency legislation is to prevent removal in the Fall of 2004 of a majority of the Eastern Market Community Advisory Committee ("EMCAC") under the term limits established in the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-101 *et seq.*) ("Act"). The Act created a new management structure for Eastern Market, which is a

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property owned by the District of Columbia. The Act called for the formation of an advisory committee, the Eastern Market Community Advisory Committee or "EMCAC."

(c) The EMCAC serves in a solely advisory role to the Office of Property Management and the market management contractor with whom the District of Columbia has contracted to manage the day-to-day operations at Eastern Market. The EMCAC is responsible for reviewing and commenting to the District of Columbia's Chief Property Management Officer on those matters pertaining to Eastern Market that are listed in section 12 of the Act, including the request for proposals for the selection of the market manager.

(d) Bill 15-316 eliminated term limitations for Eastern Market Community Advisory Committee members that are subject to them and changed the composition of the Eastern Market Community Advisory Committee by eliminating the Eastern Market Tenants Council member, by giving a full vote both to the food market inside vendor and the representative from the farmers' line, by keeping the member from the Advisory Neighborhood Commission in which Eastern Market is sited and eliminating the other Advisory Neighborhood Commission member, by giving the Mayor's representative a vote, by requiring the Ward 6 Councilmember's representative to be a resident in the ward and giving the Ward 6 Councilmember's representative a vote, and required the Eastern Market Community Advisory Committee to conform its bylaws to these amendments.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Eastern Market Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-692

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Unemployment Compensation Act to reduce pension offsets.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unemployment Compensation Pension Offset Reduction Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a need to provide equitable treatment to older workers by allowing them to draw the full weekly unemployment compensation benefit amount to which they are entitled based on the wages they earned while employed.

(b) Current pension offset provisions of the District of Columbia Unemployment Compensation Act reduce or eliminate unemployment compensation benefits for which the older worker has qualified through his or her work. An individual's weekly unemployment compensation benefit amount to which he or she is entitled is reduced dollar for dollar by the prorated weekly amount of any pension.

(c) Unemployed older workers have earned both benefits, their pensions and their unemployment compensation.

(d) In July 2004, the Council enacted the Unemployment Compensation Pension Offset Reduction Emergency Amendment Act of 2004, effective August 2, 2004 (D.C. Act 15-512; 51 DCR 8972) ("Emergency Act"), which exempt from offset all pensions to which an employee has contributed, including social security and civil service pensions. The Emergency Act expired on September 29, 2004.

(e) Temporary legislation, the Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004, signed by the Mayor on October 4, 2004 (D.C. Act 15-531), was transmitted to Congress for a 30-day review period as required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(f) It is important that the provisions of the Emergency Act continue in effect until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Unemployment Compensation Pension Offset Reduction Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-693

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to appropriate \$7.241 million from the funds distributed to the District of Columbia pursuant to section 903(d) of the Social Security Act to improve the administration of the Unemployment Compensation Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unemployment Compensation Additional Funds Appropriation Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an ongoing need to improve the administration of the District's Unemployment Compensation Program. The improvements include:

- (1) Installation of a security application portal that will allow for one password to work on all DOES systems;
- (2) Conversion of the Automated Benefit System from the present mainframe platform to a Web-based environment which offers greater flexibility in service;
- (3) Installation of the Benefit Audit, Recovery and Tracking System (BARTS) which will support the auditing of Unemployment Compensation benefit payments to verify that payments were made accurately, will identify improperly paid claims and facilitate recapture of overpaid benefits;
- (4) Install Unemployment Insurance ("UI") systems for the Educational Stepladder program as required by the Fiscal Year 2005 Budget Support Act of 2004;
- (5) Provide UI customers not enrolled in direct deposit program debit cards to access benefits;
- (6) Provide residents with access to thousands of untapped job listings by "spydering" association and corporate web pages;
- (7) Provide for the exchange of data via a common database between the Web-Enabled Benefits Services (WEBS) benefit payment system and the Virtual One-Stop re-employment services;
- (8) Install an automated customer service UI Help Desk;

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(9) Change the Unemployment Compensation Benefit and Tax Systems Mainframe programming language from COBOL II to COBOL 390 as mandated by the Office of the Chief Technology Officer;

(10) Provide for changes to the automated tax system that are required by recently enacted federal legislation to detect and prevent State Unemployment Tax dumping, known as SUTA, a manipulation by employers to inappropriately lower their UI tax rate;

(11) To provide for the support of the Information Technology Support Center (ITSC) in Remote System Development.

(b) There are funds available to defray the costs of these necessary changes without additional costs to the District of Columbia from the funds distributed to the District of Columbia's account in the Unemployment Compensation Trust Fund pursuant to Section 903(d) of the Social Security Act (42 USC § 1103(d)).

(c) It is necessary that authorization for the appropriation of these funds be approved on an emergency basis so that the needed administrative improvement process for the District's Unemployment Compensation Program moves forward in an expeditious manner.

(d) The Committee on Public Services marked up legislation on September 22, 2004 which authorizes this expenditure on a permanent basis, but delaying administrative improvements to the Unemployment Compensation Program will have a negative impact on the District and individuals receiving unemployment compensation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Unemployment Compensation Funds Appropriation Authorization Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to clarify the due process rights afforded to producers under the suspension and revocation provisions, and to provide the Commissioner of the Department of Insurance, Securities and Banking with summary suspension authority to suspend the certificate of authority of individual or firm producers without giving notice if the Commissioner finds upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or the creditors of the producer in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Producer Summary Suspension Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council of the District of Columbia enacted the Producer Licensing Act of 2002 ("Act") in March 2003. The legislation did not incorporate provisions affording due process rights to producers in the event that the Commissioner of the Department of Insurance, Securities, and Banking ("Department") instituted suspension or revocation proceedings. Without clear instructions, the Commissioner and the producers cannot be sufficiently placed on notice as to what process must be accorded to the respective parties. Moreover, short of informally adopting the customary practice of providing individual and regulated entities with 30-days notice of the Commissioner's intent to take such action and the opportunity for a full hearing, the Department could be subject to protracted litigation, which would have the effect of frustrating the Department's ability to effectively and efficiently regulate producers. Therefore, to close this gap and avoid this pitfall, it is necessary that the Council amend the Act to clarify the due process rights afforded to producers.

(b) Further, at present under the Act, the Commissioner does not have the authority to summarily suspend individual or firm producers if the further transaction of business by a producer would be hazardous to the public or to the policyholders or to the creditors of the producer in the District and outside the District. In this regard, the Commissioner has been unable to effectively intervene in matters where it has been determined that the further

transaction of business by a producer has been hazardous to the public. Moreover, without the summary suspension authority, the Commissioner remains without recourse, and the insuring public remains vulnerable, to producers whose intent it is to victimize and defraud the District residents. As such, to eliminate this clear and present threat to the residents in the District, it is necessary that the Council amend the Act to provide this authority.

(c) Further, the Commissioner does not have the authority to issue subpoenas to producers. Invariably, it becomes necessary for the Department, outside of the context of a hearing, to request the production of documents so as to prevent the documents from being lost, damaged, or destroyed. Like the summary suspension authority, this additional tool will assist the Department in regulating producers and preventing fraud. Thus, it is necessary that the Council amend the Act to provide this authority.

(d) Accordingly, because of the clear and present threat posed to the public by the absence of the procedural safeguards and powers granted to the Commissioner in the emergency, it is essential that the Council adopt the proposed emergency legislation to ensure that the Commissioner is fully equipped to protect the public and that the due process rights of producers are clearly delineated.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Producer Summary Suspension Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to establish reporting requirements for the tracking of purchase card expenditures and interest penalty payments.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Government Purchase Card Program Reporting Requirements Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) It is necessary to enact legislation that will ensure that participants in the District of Columbia Purchase Card Program are adhering to the rules governing the use of government issued credit cards.

(2) A comprehensive hearing conducted by the Committee on Government Operations found that the Office of Contracting and Procurement was not monitoring purchase card utilization to the extent that was necessary.

(3) The Office of Contracting and Procurement did not possess an accurate account of the number of employees that were issued purchase cards and the daily, monthly, and yearly limits established for each employee.

(4) D.C. Law 15-61, "Suspension of Purchase Authority in the District of Columbia Government Purchase Card Program Temporary Amendment Act of 2003", expired on July 21, 2004.

(5) D.C. Law 15-61 required new protocols to be implemented, and required quarterly reporting of purchase card usage to the Council.

(6) Reporting requirements are necessary to monitor purchase card utilization and interest penalty payments on a quarterly basis.

(7) The requirements established will help to deter improper utilization of government issued purchase cards and assist the government in monitoring all purchases.

(8) Emergency legislation is necessary to ensure that all District agencies participating in the purchase card program continue to report the details of their usage in a timely manner, without any lapses in the legal authority of the Council to require such reports.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Government Purchase Card Program Reporting Requirements Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 1997 Budget Support Act of 1996 to establish the Automated Traffic Enforcement Fund as a lapsing fund, and to require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Automated Traffic Enforcement Fund Emergency Declaration Resolution of 2004".

Sec. 2 (a) The Automated Traffic Enforcement Fund Temporary Act of 2003, which establishes the Automated Traffic Enforcement Fund as a lapsing fund, and requires that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement, will expire on October 21, 2004.

(b) Bill 15-49, the Automated Traffic Enforcement Amendment Act of 2003, is pending before the Committee on Public Works and the Environment.

(c) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Automated Traffic Enforcement Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-697

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to authorize the District of Columbia Housing Authority Police Department to obtain and act on search warrants for controlled substances.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Police Department Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a crisis resulting from the large number of crimes that are reported and not reported in areas on or near the properties that are owned by the District of Columbia Housing Authority. The large number of reported crimes in certain areas of the District has created an environment in the District of Columbia causing these crime areas to be identified as "Hot Spots" and requiring special attention from various District agencies. Some of this criminal activity involves the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia on District of Columbia Housing Authority ("DCHA") properties.

(b) The District of Columbia Housing Authority Police Department ("DCHAPD") is engaged on a regular basis with the Metropolitan Police Department and the Hot Spots Task Force to find solutions to the amount of crime and its impact on identified neighborhoods in the District.

(c) It is in the best interest of the residents of public housing and the surrounding neighborhoods that DCHAPD be clearly authorized to seek directly the issuance of search warrants from Superior Court or a U.S. Magistrate the same as are other police departments in the District, including the Metropolitan Police Department ("MPD") and the U.S. Park Police. It needs this authority in all its cases, including those cases involving controlled substances. DCHAPD already has the authority to seek search warrants with respect to other cases under its general law enforcement authority. Thus, the law needs to be amended to ensure that DCHAPD has the authority to obtain search warrants with the same authority as the MPD and U.S. Park Police, both of which are specifically named in D.C. Official Code § 48-921.02.

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(d) When the Council passed D. C. Law 13-105, the District of Columbia Housing Authority Act of 1999, which created the current DCHA, it thereby established the DCHAPD and provided them with jurisdiction concurrent with the MPD and coextensive with the territorial boundaries of the District of Columbia. The intent of the Council was to establish a DCHAPD that has broad law enforcement authority, including the ability to obtain and act upon all of the different kinds of search warrants, particularly for searches conducted at DCHA properties and to enable the DCHAPD to work in collaboration with the MPD, but to minimize duplication of efforts.

(e) Based on a District of Columbia Court of Appeals decision in *United States v. Edelen* (529 A.2d 774 (D.C. 1987)), in which the Court of Appeals found that the U.S. Park Police at that time lacked the specific statutory authority granted under the District of Columbia Uniform Controlled Substances Act ("UCS Act"), which is currently codified at D.C. Official Code § 48-901.01 *et seq.*, to obtain a search warrant to seize narcotics. The provision that provides that specific authority to obtain and act upon a search warrant when any controlled substances are involved is contained in D.C. Official Code § 48-921.02.

(f) Since October 2003, the U.S. Attorney's office has interpreted this provision to mean that the DCHAPD did not have the authority to obtain and act upon search warrants in cases involving controlled substances. This has resulted in the DCHAPD for the past year when a search warrant regarding controlled substances was sought for a case on DCHA property being forced first to apply to the MPD, which, in turn, had to apply to the judge or magistrate for the necessary search warrants. While the DCHAPD already collaborates with the MPD on all of these cases, this technical problem in the statute has required a duplication of efforts in the District's law enforcement agencies.

(g) The general authority governing the issuance of all search warrants is Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code. D.C. Official Code § 23-521(a) states that "a judicial officer may issue a search warrant upon application of a law enforcement officer or prosecutor." Section 23-521(e) states that a "search warrant may be addressed to a specific law enforcement officer . . . authorized to make arrests or execute process in the District of Columbia . . ." Section 23-501(a)(2) defines the term "law enforcement officer" as meaning "an officer or member of the Metropolitan Police Department of the District of Columbia, or of any other police force operating in the District of Columbia . . ." DCHAPD meets this definition. Further, section 6-223(c) states that a "member of the DCHAPD shall have the same powers, including the power of arrest, . . . as a member of the Metropolitan Police Department." Therefore, the DCHAPD is authorized to apply for and execute search warrants.

(h) D.C. Official Code § 48-921.02 applies specifically to the issuance of search warrants for controlled substances. Subsection (e) states that the judge or magistrate shall issue the warrant to the Chief of MPD or any member of MPD, or to the Chief of the U.S. Park Police of any member of USPP. Since that section does not specify the DCHAPD, it has become necessary to amend subsection (e) to add references in the appropriate places to it to counter any argument

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that the specific provision – i.e., § 48-921.02 – governs over the general provision – i.e., § 23-521.

(i) By clarifying and establishing the authority for DCHAPD to obtain all the kinds of search warrants, this act will enhance immediately the ability for DCHAPD to effectively combat reported and unreported crime and the detrimental impact of criminal activity in and around the properties owned and operated by DCHA.

(j) The ability for DCHAPD to obtain and act on search warrants, as the police that are most active and knowledgeable of the activity in and around Housing Authority properties, is a key procedural step in order to enhance law enforcement in these areas.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Authority Police Department Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-698

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to amend the District of Columbia Administrative Procedure Act to clarify that the Freedom of Information Act's law enforcement and investigatory records exemption applies equally to the Council of the District of Columbia's investigatory proceedings, to clarify that the inter-agency memorandum exemption applies to Council records, to provide that the Council may assert exemptions on behalf of public bodies from which it receives information, to exempt from disclosure records that would reveal the identity of a whistleblower, and that final decisions of the Council may not be appealed to the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Freedom of Information Legislative Records Clarification Declaration Resolution of 2004".

Sec. 2. (a) The District of Columbia Freedom of Information Act ("FOIA"), enacted in 1977, was modeled after the federal Freedom of Information Act. Both local and federal courts have relied on interpretations of the federal law to interpret the local FOIA law. In 1986, the federal FOIA exemptions governing law enforcement and investigatory records were changed by the Freedom of Information Reform Act of 1986, approved October 27, 1986 (Pub. L. No. 99-570; 100 Stat. 3207). None of these federal changes affecting FOIA exemptions had been incorporated into the D.C. FOIA.

(b) The Freedom of Information Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-283; 48 DCR 1917), amended the D.C. FOIA to provide for disclosure of records in electronic format, to extend coverage to the Council and private contractors performing public functions, to provide disclosure requirements for partially released documents, to clarify categories of information that do not require a written request for information, to provide penalties for arbitrary or capricious violations of the act, to revise the annual reporting requirements, and to provide a training requirement for Freedom of Information Officers. The Freedom of Information Amendment Act of 2000 did not revise the exemptions in section 204(a), which were revised in federal law in 1986.

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(c) The core exemptions in the D.C. FOIA had not been amended since the law was enacted in 1977. The exemptions specifically were not amended in 2001, when the Council was made subject to FOIA.

(d) In November 2003, the Council enacted the Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003, effective November 25, 2003 (D.C. Act 15-83; 50 DCR 10948) ("Temporary Act"), which clarified and strengthened protection of records and information related to Council investigations. The Temporary Act will expire on October 21, 2004.

(e) The Freedom of Information Legislative Records Clarification Amendment Act of 2004, passed on 1st reading on October 5, 2004 (Engrossed version of Bill 15-483), is not projected to become law until 2005.

(f) It is important that the provisions of the Temporary Act continue in effect, without interruption, until the permanent legislation is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-699

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to keep the District's documents administrative cost assessment in closer conformity with the federal administrative cost schedule.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Documents Administrative Cost Assessment Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is was a need to bring the District's documents administrative cost assessment into closer conformity with the federal administrative cost schedule.

(b) The Council had been responding to requests for documents dating back more than 5 years. Retrieval and replication required a significant expenditure of staff time as well as resources that far exceeded the \$10 maximum previously set forth in the law.

(c) In the public interest, the Council, in January 2004, enacted the Documents Administrative Cost Assessment Temporary Amendment Act of 2004, effective January 29, 2004 (D.C. Law 15-134; D.C. Official Code § 2-532, note) ("Temporary Act") to substantially conform District law to the federal requirements. The Temporary Act will expire on November 10, 2004.

(d) Permanent legislation, the Documents Administrative Cost Assessment Amendment Act, passed on 1st reading on October 5, 2004 (Engrossed version of Bill 15-822), is not projected to become law until 2005.

(e) It is important that the provisions of the Temporary Act continue in effect, without interruption, until the permanent legislation is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Documents Administrative Cost Assessment Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-700

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to clarify the original intent of the tax exemption provisions for affordable housing activities of the District of Columbia Housing Authority to ensure no interruption in the Authority's revitalization and redevelopment projects involving critical affordable housing.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Revitalization Projects Emergency Declaration Resolution of 2004".

Sec. 2. (a) The District of Columbia Housing Authority has several revitalization redevelopment projects currently underway and several pending that require clarification of the tax status of the affordable housing component of the projects in order to proceed with financing and actual construction in order to bring additional affordable housing to District neighborhoods.

(b) This legislation provides a technical amendment to clarify that Housing Properties qualify for the tax exemption contained in section 5 of the District of Columbia Housing Authority Act of 2000, as distinct from those for-profit activities that do not involve housing, but rather are commercial or retail in nature, although being developed as part of the revitalization or redevelopment project.

(c) This legislation will not modify the requirement that for-profit, ancillary activities to the main activities of the District of Columbia Housing Authority, such as those of a commercial office or retail nature, even when these are in support of affordable housing development, will require a special action of the Council to be tax-exempt.

(d) The District of Columbia Housing Authority and their development partners are trying to finalize financing for several projects requiring clarity as to the tax status of the housing and the non-housing for-profit activities of the projects.

(e) The District of Columbia Housing Authority requires clarity promptly to proceed with these critical revitalization and redevelopment projects that will fill an urgent need for affordable housing.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Authority Revitalization Projects Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-701

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to continue a parking meter fee moratorium on Saturday for up to 3 hours, unless current signage permits otherwise, and on other days between 6:30 p.m. and 7:00 a.m.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Parking Meter Fee Moratorium Emergency Declaration Resolution of 2004".

Sec. 2. (a) In December 2003, the Parking Meter Fee Moratorium Temporary Act of 2003, effective December 18, 2003 (D.C. Law 15-094; 51 DCR 14) ("Temporary Act") was passed by the Council. This law continues a moratorium on the payment of parking meter fees on Saturdays for up to 3 hours, unless current signage permits otherwise, and on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) The Temporary Act will expire on October 21, 2004, and the corresponding permanent legislation, the Parking Meter Fee Moratorium Act of 2004, as introduced on March 26, 2003 (D.C. Bill 15-220), has not been enacted yet by the Council.

(c) The parking meter fee moratorium program has helped to foster the ongoing revitalization of the District through increased visits to District neighborhoods and increased shopping within the commercial corridor. Passage of the Parking Meter Fee Moratorium Emergency Act of 2004 is necessary to continue this program, in order to provide for this ongoing revitalization of the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Parking Meter Fee Moratorium Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-702

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to amend Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Towing Regulation and Enforcement Authority Emergency Declaration Resolution of 2004".

Sec. 2. (a) In December 2003, the Council enacted the Towing Regulation and Enforcement Authority Temporary Act of 2003, effective December 18, 2003 ((D.C. Law 15-093; 51 DCR 11) ("Temporary Act"), which amended Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

(b) Permanent legislation, the Towing Regulation and Enforcement Authority Act of 2004, as introduced on December 31, 2003 (D.C. Bill 15-364), has not yet been enacted by the Council. The Temporary Act will expire on October 21, 2004.

(c) Emergency legislation is needed to prevent a lapse in the authority of the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, with such rules to be submitted to the Council for a 45-day period of review.

Sec. 3. The Council of the District of Columbia has determined that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Towing Regulation and Enforcement Authority Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-703

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to amend Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law, and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Emergency Declaration Resolution of 2004".

Sec. 2. The Council of the District of Columbia finds that:

(1) This legislation gives the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee authority, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

(2) The Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2003, effective March 10, 2004 (D.C. Law 15-98; 51 DCR 27), expires on October 21, 2004. The permanent legislation (Bill 15-871) is pending in committee.

(3) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Citizens With Mental Retardation Substituted Consent for Health Care Decisions Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-704

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve a modification to the Rehabilitation Services Program to assist individuals with disabilities in achieving gainful employment, and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of the vocational rehabilitation services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rehabilitation Services Program Establishment Emergency Declaration Resolution of 2004".

Sec. 2. The Council of the District of Columbia finds that:

(1) There exists an immediate crisis in the District of Columbia because of the failure to establish a rehabilitation services program and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of vocational rehabilitation services.

(2) Currently, the Department of Human Services Rehabilitation Services Administration ("RSA") provides vocational rehabilitation services in accordance with the requirements of the Rehabilitation Act of 1973 ("Act"). RSA has used the Act's regulations and program instructions to implement services. Since a rehabilitation services program has not been established as a District of Columbia government entity, the RSA is unable to implement any of the optional provisions of the Act or to issue rules to implement discretionary provisions of the Act.

(3) In seeking to serve the needs of all District of Columbia residents who require vocational rehabilitation services, RSA has implemented an economic needs test, which is an optional provision of the Act. Recently, advocates who represent customers seeking vocational rehabilitation services have challenged RSA's authority to impose an economic needs test without legislative authority. These advocates believe that each client is entitled to all services and that services should not be limited to what is needed to prepare for, secure, and maintain employment. This interpretation of the Act has had a significant impact on RSA's

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budget. Under this interpretation, RSA will be unable to provide services to a large number of eligible individuals with disabilities.

(4) If vocational rehabilitation services cannot be provided to all eligible individuals who apply for services, RSA would be required by federal law to establish an order of priority for services, prioritizing individuals with the most severe disability before other individuals with severe disabilities and non-severe disabilities can receive services. With this order of priority, RSA would be forced to deny vocational rehabilitation services to thousands of individuals with disabilities. An order of priority would have a significant impact on services to multicultural populations whose presenting disability is frequently not categorized as severe. It would also have a significant impact on services to the following populations: individuals with drug- and alcohol-related disabilities; individuals with learning disabilities; individuals with mild mental illness; and individuals with various other disabilities.

(5) If the Rehabilitation Services Program is not established as a District of Columbia government entity and the Mayor is not authorized to establish an economic needs test to be used in determining the ability of applicants and recipients to contribute to payment of the costs of vocational rehabilitation services, the District of Columbia would be forced to establish priorities for its rehabilitation services program, which would jeopardize the health, safety, and welfare of many individuals with disabilities in the District of Columbia.

(6) The Rehabilitation Services Program Establishment Temporary Act, effective March 10, 2004 (D.C. Law 15-99; 51 DCR 30), expires on October 21, 2004. The permanent legislation (Bill 15-287) is pending in committee.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rehabilitation Services Program Establishment Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to extend the time period for the disposition of property authorized by the Disposal of District Owned Surplus Property Amendment Act of 1989.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution maybe cited as the "Extension of Time to Dispose of Property for Golden Rule Development Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to enact legislation to extend further the 2-year time period set forth in section 3 of the Disposal of District Owned Surplus Property Amendment Act of 1989 as it applies to the disposition of property permitted under D.C. Law 14-294, the Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2002.

(b) D.C. Law 14-294 expired on November 22, 2003 and the disposition of the property was not completed by that date.

(c) Despite extensive efforts, Golden Rule Plaza, Inc., which is seeking to acquire the disposition site, has been unable to complete the prerequisites to the District of Columbia disposition in the required time period due to constraints associated with the project that is planned for the disposition site, and the extensive work that was undertaken on the principal disposition site where a 119-unit senior citizen housing project has been constructed and opened at a cost of approximately \$ 18 million.

(d) Golden Rule Plaza, Inc., is anticipating moving forward with this 2nd phase of the project in the near future now that the first phase has been completed.

(e) The Golden Rule Plaza project will benefit the District of Columbia by providing needed social services and other facilities to aid the community as a whole. Once the disposition of land is completed, Golden Rule Plaza, Inc., will be able to proceed with obtaining the building permits and finalizing the financing arrangements to begin construction of this 2nd phase of the project.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Disposal of District Owned Surplus Real Property Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-706

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to establish the Anacostia Waterfront Corporation and modify certain provisions mentioning the federal government.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anacostia Waterfront Corporation Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Anacostia Waterfront Corporation Act of 2004 (D.C. Act 15-527; DCR _____), was signed by the Mayor on August 5, 2004 and transmitted to Congress on September 3, 2004.

(b) Because of Congress' recess schedule, the time for the 30-day Congressional review of the Anacostia Waterfront Corporation Act of 2004 is currently not scheduled to expire until February 28, 2005.

(c) The extended delay in establishing the Anacostia Waterfront Corporation would unduly delay the District's efforts to revitalize the Anacostia Waterfront.

(d) There is a need to establish the Anacostia Waterfront Corporation so that it may begin to immediately develop, redevelop, and revitalize the Anacostia Waterfront in order to create the maximum benefit for the District and its residents.

(e) The Anacostia Waterfront Corporation Act of 2004 also needs to be amended to clarify that the Corporation cannot take any action which concerns federal functions or property unless the federal government has authorized the Corporation to take such action, and that the federal representatives on the board of the Corporation shall be invited to serve in their own discretion. The provisions of the Anacostia Waterfront Corporation Emergency Act of 2004 include those clarifications.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anacostia Waterfront Corporation Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-707

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to continue in effect the prior modification of the procedures for debarment or suspending a person or business from consideration for award of District contracts or subcontracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Debarment Procedures Emergency Declaration Resolution of 2004".

Sec. 2. (a) Previously, the District's contract debarment and suspension proceedings were heard and decided solely by the Chief Procurement Officer.

(b) In September and October 2003, the Council enacted the Debarment Procedures Emergency Amendment Act of 2003 and the Debarment Procedures Temporary Amendment Act of 2003, which modified how the District's contract debarment and suspension proceedings are to be heard and decided. Rather than the proceedings being heard solely by the Chief Procurement Officer, a panel was created to hear and decide these cases to allow representatives from areas of government that are affected by debarments and suspensions and other government officials who can bring important knowledge and experience to these proceedings to aid in the District's determination of whether a debarment or suspension is in the best interest of the District.

(c) It is important that the provisions of the emergency and temporary legislation continue in effect, without interruption, until the Council considers permanent legislation on this subject.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Debarment Procedures Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve the issuance of tax revenue anticipation notes to finance governmental expenses for the year ending September 30, 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 Tax Revenue Anticipation Notes Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Fiscal Year 2005 Tax Revenue Anticipation Notes Emergency Act of 2004 would authorize the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year beginning on October 1, 2004.

(b) Anthony Calhoun, the Deputy Chief Financial Officer for the Office of Finance and Treasury, has indicated that tax revenue anticipation notes authority will be needed at the start of the 2005 fiscal year.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2005 Tax Revenue Anticipation Notes Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

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A RESOLUTION

15-709

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 General Obligation Bond Issuance Approval Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a need to issue general obligation bonds in the first quarter of fiscal year 2005 to finance capital projects included in the District's approved capital improvement program. This borrowing is scheduled to occur in the first quarter of the fiscal year, as opposed to later in the fiscal year, reflecting the fact that District agencies have improved the timing of their spending of approved capital dollars in recent years. Waiting until later in the fiscal year to borrow for approved capital spending would mean utilizing significant amounts of operating dollars to cover capital expenditures, pending reimbursement from bond proceeds. Given the substantial amount of the District's cash that is in reserves, and other factors, the District cannot afford to use large amounts of operating dollars on capital spending pending reimbursement.

(b) Funding for the debt service expense associated with the issuance of the bonds is included in the District's Fiscal Year 2005 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2005 General Obligation Bond Issuance Approval Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-710

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. CFSA-04-C-0053 for community-based child welfare services and to authorize payment for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-04-C-0053 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve retroactively Contract No. CFSA-04-C-0053 for community-based child welfare services and to authorize payment for the services rendered under the contract.

(b) On November 4, 2003, the Child and Family Services Agency ("CFSA") awarded a letter contract through December 31, 2003 to the Columbia Heights/Shaw Family Support Collaborative ("the Collaborative") to provide community-based child welfare services in the Columbia Heights and Shaw neighborhoods, including preventative, supportive, and aftercare services to children and families where the child has been removed from the home because of abuse or neglect, and to children and families where the child is at risk of removal. These services are a vital component of CFSA's mission to provide for the permanency, safety, and well-being of children, youth, and families in the District of Columbia, and for CFSA to meet the rigorous goals, outcomes, and performance standards required by the LaShawn Implementation Plan. The existence of community-based child welfare service delivery networks in at-risk neighborhoods in the District is an essential element of CFSA's mission. The Collaborative has been providing services for several years.

(c) The letter contract's period of performance was subsequently extended while CFSA drafted a proposed, definitized contract to run through September 30, 2004. CFSA drafted the proposed, definitized contract in such a way as to ensure that the proposed, definitized contract adequately reflected CFSA's evolving practice priorities and requirements under the Implementation Plan. The proposed, definitized contract's total contract value for the period

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November 4, 2003 through September 30, 2004 is \$1,687,638.70, and since it was in excess of \$1 million, the proposed, definitized contract required approval by the Council. The letter contract was to have merged with the proposed, definitized contract upon approval of the proposed, definitized contract by the Council. The Council has approved proposed, definitized contracts with the Collaborative in prior years under the "expedited review" process provided for in D.C. Official Code § 2-301.05a(j).

(d) The proposed, definitized contract was submitted to the Office of the Attorney General ("OAG") for legal sufficiency review on April 27, 2004. The OAG required significant structural and substantive revision to the proposed, definitized contract. The proposed, definitized contract was cleared for legal sufficiency on June 24, 2004, and forwarded to the Mayor's office on June 25, 2004 for submission to the Council. The letter contract was extended until July 23, 2004 to maintain continuity of services until the proposed, definitized contract could be approved by the Council.

(e) Due to ongoing discussions among CFSA, the Mayor's office, and the Council concerning the nature of the contract summary to be presented to the Council, delays in assessing the adequacy of the summary, discussions concerning the status of CFSA's other million-dollar contracts and ongoing procurements, and the most appropriate posture in which contracts were to be submitted for approval, the contract summary was not submitted to the Council until July 16, 2004. On July 23, 2004, the Secretary to the Council returned the contract summary to the Mayor's office, stating that "a request for retroactive approval of a proposed contract cannot be considered through the expedited review process. The Mayor must transmit such a request by Act." Since the letter contract could no longer be extended, it was not extended beyond July 23, 2004, and a short-term contract was entered into with the Collaborative on an emergency basis to avoid a shutdown of the Collaborative's services to CFSA under a contract.

(f) The Collaborative has not been compensated for all work performed under the contract. The total value of the proposed, definitized contract, which is the total amount due to the contractor for the period November 4, 2003 through September 30, 2004, is \$1,687,638.70.

(g) In order to permit the District to compensate the contractor for the entire period of services from November 4, 2003 through September 30, 2004, contractual authorization of the proposed, definitized contract is required, and, therefore, it is necessary for the Council to approve the proposed, definitized contract on a retroactive basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-04-C-0053 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-711

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. CFSA-04-C-0054 for community-based child welfare services and to authorize payment for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-04-C-0054 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve retroactively Contract No. CFSA-04-C-0054 for community-based child welfare services and to authorize payment for the services rendered under the contract.

(b) On October 31, 2003, the Child and Family Services Agency ("CFSA") awarded a letter contract for the period November 1, 2003 through December 31, 2003 to the Edgewood/Brookland Family Support Collaborative ("the Collaborative") to provide community-based child welfare services in neighborhoods in Ward 5, including preventative, supportive, and aftercare services to children and families where the child has been removed from the home because of abuse or neglect, and to children and families where the child is at risk of removal. These services are a vital component of CFSA's mission to provide for the permanency, safety, and well-being of children, youth, and families in the District of Columbia, and for CFSA to meet the rigorous goals, outcomes, and performance standards required by the LaShawn Implementation Plan. The existence of community-based child welfare service delivery networks in at-risk neighborhoods in the District is an essential element of CFSA's mission. The Collaborative has been providing services for several years.

(c) The letter contract's period of performance was subsequently extended while CFSA drafted a proposed, definitized contract to run through September 30, 2004. CFSA drafted the proposed, definitized contract in such a way as to ensure that the proposed, definitized contract adequately reflected CFSA's evolving practice priorities and requirements under the Implementation Plan. The proposed, definitized contract's total contract value for the period November 1, 2003 through September 30, 2004, is \$1,627,983.00, and since it was in excess of

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\$1 million, the proposed, definitized contract required approval by the Council. The letter contract was to have merged with the proposed, definitized contract upon approval of the proposed, definitized contract by the Council. The Council has approved proposed, definitized contracts with the Collaborative in prior years under the "expedited review" process provided for in D.C. Official Code § 2-301.05a(j).

(d) The proposed, definitized contract was submitted to the Office of the Attorney General ("OAG") for legal sufficiency review on April 27, 2004. The OAG required significant structural and substantive revision to the proposed, definitized contract. The proposed, definitized contract was cleared for legal sufficiency on June 28, 2004, and forwarded to the Mayor's office on July 1, 2004 for submission to the Council. The letter contract was extended until July 23, 2004 to maintain continuity of services until the proposed, definitized contract could be approved by the Council.

(e) Due to ongoing discussions among CFSA, the Mayor's office, and the Council concerning the nature of the contract summary to be presented to the Council, delays in assessing the adequacy of the summary, discussions concerning the status of CFSA's other million-dollar contracts and ongoing procurements, and the most appropriate posture in which contracts were to be submitted for approval, the contract summary was not submitted to the Council until July 16, 2004. On July 23, 2004, the Secretary to the Council returned the contract summary to the Mayor's office, stating that "a request for retroactive approval of a proposed contract cannot be considered through the expedited review process. The Mayor must transmit such a request by Act." Since the letter contract could no longer be extended, it was not extended beyond July 23, 2004, and a short-term contract was entered into with the Collaborative on an emergency basis to avoid a shutdown of the Collaborative's services to CFSA under a contract.

(f) The Collaborative has not been compensated for all work performed under the contract. The total value of the proposed, definitized contract, which is the total amount due to the contractor for the period November 1, 2003 through September 30, 2004, is \$1,627,983.00.

(g) In order to permit the District to compensate the contractor for the entire period of services from November 1, 2003 through September 30, 2004, contractual authorization of the proposed, definitized contract is required, and, therefore, it is necessary for the Council to approve the proposed, definitized contract on a retroactive basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-04-C-0054 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-712

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. CFSA-04-C-0055 for community-based child welfare services and to authorize payment for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-04-C-0055 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve retroactively Contract No. CFSA-04-C-0055 for community-based child welfare services and to authorize payment for the services rendered under the contract.

(b) On November 6, 2003, the Child and Family Services Agency ("CFSA") awarded a letter contract for the period November 6, 2003 through December 31, 2003 to the Far Southeast Family Strengthening Collaborative ("the Collaborative") to provide community-based child welfare services in neighborhoods in Ward 8, including preventative, supportive, and aftercare services to children and families where the child has been removed from the home because of abuse or neglect, and to children and families where the child is at risk of removal. These services are a vital component of CFSA's mission to provide for the permanency, safety, and well-being of children, youth, and families in the District of Columbia, and for CFSA to meet the rigorous goals, outcomes, and performance standards required by the LaShawn Implementation Plan. The existence of community-based child welfare service delivery networks in at-risk neighborhoods in the District is an essential element of CFSA's mission. The Collaborative has been providing services for several years.

(c) The letter contract's period of performance was subsequently extended while CFSA drafted a proposed, definitized contract to run through September 30, 2004. CFSA drafted the proposed, definitized contract in such a way as to ensure that the proposed, definitized contract adequately reflected CFSA's evolving practice priorities and requirements under the Implementation Plan. The proposed, definitized contract's total contract value for the period

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November 6, 2003 through September 30, 2004 is \$1,620,168.00, and since it was in excess of \$1 million, the proposed, definitized contract required approval by the Council. The letter contract was to have merged with the proposed, definitized contract upon approval of the proposed, definitized contract by the Council. The Council has approved proposed, definitized contracts with the Collaborative in prior years under the "expedited review" process provided for in D.C. Official Code § 2-301.05a(j).

(d) The proposed, definitized contract was submitted to the Office of the Attorney General ("OAG") for legal sufficiency review on April 27, 2004. The OAG required significant structural and substantive revision to the proposed, definitized contract. The proposed, definitized contract was cleared for legal sufficiency on June 28, 2004, and forwarded to the Mayor's office on July 1, 2004 for submission to the Council. The letter contract was extended until July 23, 2004 to maintain continuity of services until the proposed, definitized contract could be approved by the Council.

(e) Due to ongoing discussions among CFSA, the Mayor's office, and the Council concerning the nature of the contract summary to be presented to the Council, delays in assessing the adequacy of the summary, discussions concerning the status of CFSA's other million-dollar contracts and ongoing procurements, and the most appropriate posture in which contracts were to be submitted for approval, the contract summary was not submitted to the Council until July 16, 2004. On July 23, 2004, the Secretary to the Council returned the contract summary to the Mayor's office, stating that "a request for retroactive approval of a proposed contract cannot be considered through the expedited review process. The Mayor must transmit such a request by Act." Since the letter contract could no longer be extended, it was not extended beyond July 23, 2004, and a short-term contract was entered into with the Collaborative on an emergency basis to avoid a shutdown of the Collaborative's services to CFSA under a contract.

(f) The Collaborative has not been compensated for all work performed under the contract. The total value of the proposed, definitized contract, which is the total amount due to the contractor for the period November 6, 2003 through September 30, 2004, is \$1,620,168.00.

(g) In order to permit the District to compensate the contractor for the entire period of services from November 6, 2003 through September 30, 2004, contractual authorization of the proposed, definitized contract is required, and, therefore, it is necessary for the Council to approve the proposed, definitized contract on a retroactive basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-04-C-0055 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-713

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. CFSA-04-C-0059 for community-based child welfare services and to authorize payment for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-04-C-0059 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve retroactively Contract No. CFSA-04-C-0059 for community-based child welfare services and to authorize payment for the services rendered under the contract.

(b) On November 3, 2003, the Child and Family Services Agency ("CFSA") awarded a letter contract for the period November 3, 2003 through December 31, 2003 to the East River Family Strengthening Collaborative ("the Collaborative") to provide community-based child welfare services in neighborhoods in Ward 7, including preventative, supportive, and aftercare services to children and families where the child has been removed from the home because of abuse or neglect, and to children and families where the child is at risk of removal. These services are a vital component of CFSA's mission to provide for the permanency, safety, and well-being of children, youth, and families in the District of Columbia, and for CFSA to meet the rigorous goals, outcomes, and performance standards required by the LaShawn Implementation Plan. The existence of community-based child welfare service delivery networks in at-risk neighborhoods in the District is an essential element of CFSA's mission. The Collaborative has been providing services for several years.

(c) The letter contract's period of performance was subsequently extended while CFSA drafted a proposed, definitized contract to run through September 30, 2004. CFSA drafted the proposed, definitized contract in such a way as to ensure that the proposed, definitized contract adequately reflected CFSA's evolving practice priorities and requirements under the Implementation Plan. The proposed, definitized contract's total contract value for the period November 3, 2003 through September 30, 2004 is \$1,193,361.00, and since it was in excess of \$1 million, the proposed, definitized contract required approval by the Council. The letter

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contract was to have merged with the proposed, definitized contract upon approval of the proposed, definitized contract by the Council. The Council has approved proposed, definitized contracts with the Collaborative in prior years under the "expedited review" process provided for in D.C. Official Code § 2-301.05a(j).

(d) The proposed, definitized contract was submitted to the Office of the Attorney General ("OAG") for legal sufficiency review on April 27, 2004. The OAG required significant structural and substantive revision to the proposed, definitized contract. The proposed, definitized contract was cleared for legal sufficiency on June 28, 2004, and forwarded to the Mayor's office on July 1, 2004 for submission to the Council. The letter contract was extended until July 23, 2004 to maintain continuity of services until the proposed, definitized contract could be approved by the Council.

(e) Due to ongoing discussions among CFSA, the Mayor's office, and the Council concerning the nature of the contract summary to be presented to the Council, delays in assessing the adequacy of the summary, discussions concerning the status of CFSA's other million-dollar contracts and ongoing procurements, and the most appropriate posture in which contracts were to be submitted for approval, the contract summary was not submitted to the Council until July 16, 2004. On July 23, 2004, the Secretary to the Council returned the contract summary to the Mayor's office, stating that "a request for retroactive approval of a proposed contract cannot be considered through the expedited review process. The Mayor must transmit such a request by Act." Since the letter contract could no longer be extended, it was not extended beyond July 23, 2004, and a short-term contract was entered into with the Collaborative on an emergency basis to avoid a shutdown of the Collaborative's services to CFSA under a contract.

(f) The Collaborative has not been compensated for all work performed under the contract. The total value of the proposed, definitized contract, which is the total amount due to the contractor for the period November 3, 2003 through September 30, 2004, is \$1,193,361.00.

(g) In order to permit the District to compensate the contractor for the entire period of services from November 3, 2003 through September 30, 2004, contractual authorization of the proposed, definitized contract is required, and, therefore, it is necessary for the Council to approve the proposed definitized contract on a retroactive basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-04-C-0059 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 5, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. CFSA-04-C-0181 for therapeutic foster care services and to authorize payment for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-04-C-0181 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve retroactively Contract No. CFSA-04-C-0181 for therapeutic foster care services and to authorize payment for the services rendered under the contract.

(b) On February 29, 2004, CFSA awarded a letter contract through May 20, 2004 to PSI Family Services, Inc. to provide therapeutic foster care services in the District of Columbia. These services are a vital component of CFSA's mission to provide for the permanency, safety, and well-being of children, youth, and families in the District of Columbia, and for CFSA to meet the rigorous goals, outcomes, and performance standards required by the LaShawn Implementation Plan.

(c) The proposed, definitized contract's total contract value for the period February 29, 2004 through July 31, 2004 is \$1,860,081.30, and since it was in excess of \$1 million, the proposed, definitized contract required approval by the Council. The letter contract was to have merged with the proposed, definitized contract upon approval of the proposed, definitized contract by the Council. The Council has approved proposed, definitized contracts with therapeutic foster care providers in prior years under the "expedited review" process provided for in D.C. Official Code § 2301.05a(j).

(d) The proposed, definitized contract was submitted to the Office of the Attorney General ("OAG") for legal sufficiency review on May 11, 2004. The OAG required significant revisions to the proposed, definitized contract. The proposed, definitized contract was cleared for legal sufficiency and forwarded to the Mayor's office on July 1, 2004 for submission to the Council. The letter contract was extended to maintain continuity of services until the proposed, definitized contract could be approved by the Council.

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(e) Due to ongoing discussions among CFSA, the Mayor's office, and the Council concerning the nature of the contract summary to be presented to the Council, delays in assessing the adequacy of the summary, discussions concerning the status of CFSA's other million-dollar contracts and ongoing procurements, and the most appropriate posture in which contracts were to be submitted for approval, the contract summary was not submitted to the Council until July 16, 2004. On July 23, 2004, the Secretary to the Council returned the contract summary to the Mayor's office, stating that "a request for retroactive approval of a proposed contract cannot be considered through the expedited review process. The Mayor must transmit such a request by Act." Since the letter contract could no longer be extended, it was not extended beyond July 31, 2004, and a short-term contract was entered into with PSI Family Services, Inc. on an emergency basis to maintain continuity of foster care services for the children placed in care with the contractor.

(f) PSI Family Services, Inc. has not been compensated for all work performed under the contract. The total value of the proposed, definitized contract, which is the total amount due to the contractor for the period February 29, 2004 through July 31, 2004, is \$1,860,081.30.

(g) In order to permit the District to compensate the contractor for the entire period that services have been performed (February 29, 2004 through July 31, 2004), contractual authorization of the proposed, definitized contract is required, and, therefore, it is necessary for the Council to approve the proposed, definitized contract on a retroactive basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-04-C-0181 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.